

DAN O'ROURKE
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UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **09-02698-PCW11**

**MICHAEL R. FIOLA, w/w/I CLAUDIA L.
FIOLA, f/d/b/a QUALITY CABINETS,**

Chapter 11

FINDINGS OF FACT

Debtor.

THIS MATTER coming before the Court upon the issues raised by Debtor's request for confirmation of Debtor's First Amended Plan of Reorganization filed herein on December 7, 2009, and amendment thereto filed herein on March 3, 2010, under docket number 93 ("Plan"), and based upon the evidence produced, the Court now makes the following:

FINDINGS OF FACT

1. Debtor's Plan was filed herein on December 7, 2009, which was submitted to Creditors and other parties in interest;

2. The Plan has been accepted in writing by certain creditors and equity security holders whose acceptances meet the requirements of the law; and

3. The provisions of Chapter 11 of the United States Code have been complied with and the Plan has been proposed in good faith and not by any means forbidden by law; and

Findings of Fact-1

SOUTHWELL & O'ROURKE, P.S.
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1 4. That (a) each holder of a claim or interest has accepted the Plan or will
2 receive or retain under the Plan property of a value, as of the effective date of the Plan,
3 that is not less than the amount that such holder would receive or retain if the Debtor was
4 liquidated under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate
5 unfairly, and is fair and equitable with respect to each class of claims or interests that is
6 impaired under, and has not accepted the Plan; and

7 5. All payments made or promised by the Debtor or by a person issuing
8 securities or acquiring property under the Plan or by any other person for services or for
9 costs and expenses in, or in connection with, the Plan and incident to the case, have been
10 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed
11 after confirmation of the Plan, will be subject to approval of the Court; and

12 6. Confirmation of the Plan is not likely to be followed by the liquidation, or the
13 need for further financial reorganization of Debtor, or (b) if the Plan is a plan of liquidation,
14 the Plan sets a time period in which liquidation will be accomplished, and provides for the
15 eventuality that the liquidation is not accomplished in that time period; and

16 7. Pursuant to the Plan, the following acts or events constitute substantial
17 consummation of the Plan: sixty (60) days following Confirmation, provided that Debtor
18 has paid all installments provided by this Plan to be paid within that time.

19 8. Creditors were given Notice of Confirmation and no objections thereto were
20 made, or if made, have been resolved.

21 9. It is proper that Debtor's Plan be confirmed.

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25 Findings of Fact-2

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1 10. Debtor agrees to operate his business as a sole proprietorship.

2 PRESENTED BY:

3 SOUTHWELL & O'ROURKE, P.S.

4 BY: /s/ Dan O'Rourke
5 DAN O'ROURKE, WSBA #4911

6 APPROVED FOR ENTRY

7
8 By: telephone/electronic mail
9 GARY DYER

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Patricia C. Williams
Bankruptcy Judge

Findings of Fact-3

05/17/2010 10:44:10
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